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James A. Noyes, Director
Los Angeles County Department of Public Works
P.O. Box 1460
Alhambra, CA 91802-1460

STANDARD CERTIFICATION FOR PROPOSED NINTH AVENUE DRAIN PROJECT (Corps' Project No. 2003-00328-PJF), SAN JOSE CREEK, CITY OF INDUSTRY, LOS ANGELES COUNTY (File No. 02-178)

Dear Mr. Noyes:

Regional Board staff has reviewed your request on behalf of the Los Angeles County Department of Public Works (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 2, 2002.

I hereby certify that any discharge from the Ninth Avenue Drain Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759.

[Original Signed By

[January 31, 2003]

Dennis A. Dickerson
Executive Officer

Date

California Environmental Protection Agency

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ATTACHMENT A

Project Information File No. 02-178

1. Applicant: Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803
Phone: (626) 458-5957 Fax: (626) 458-3179
2. Applicant's Agent: Paul Shih
900 South Fremont Avenue
Alhambra, CA 91803
Phone: (626) 458-5957 Fax: (626) 458-3179
3. Project Name: Ninth Avenue Drain Project
4. Project Location: City of Industry and Hacienda Heights, Los Angeles County
Longitude: 34° 01' 10"; Latitude: 117° 59' 00"
5. Type of Project: Flood Control Improvement and Pipeline Repair
6. Project Description:
Purpose: The purpose of this propose project is to alleviate flooding conditions along Los Robles Avenue, Palm Avenue, and Gale Avenue in the community of Hacienda Heights and the City of Industry.

Description: The proposed project will consist of constructing reinforced concrete storm drainpipes. There will be construction of four lines, "A, B, C, and D." Line "A" is the line which discharges directly into the San Jose Creek. The others discharge directly into existing storm drain pipes. The circular outlet at Line "A" will be replaced with a new rectangular outlet. The channel is concrete lined at this location, and impacts associated with the construction will consist of 0.02 temporary acres.
7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 7 (Permit No. 2003-00328-PJF)

ATTACHMENT A

Project Information File No. 02-178

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| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California Environmental Quality Act (CEQA) Compliance: | The Los Angeles County Department of Public Works approved the project's Negative Declaration on April 22, 2002. |
| 10. Receiving Water: | San Jose Creek, tributary to San Gabriel River (Hydrologic Unit No. 405.41) |
| 11. Designated Beneficial Uses: | MUN, GWR, REC-1, REC-2, WARM, and WILD |
| 12. Impacted Waters of the United States: | Non-wetland waters (Concrete Lined Channel): 0.02 temporary acres |
| 13. Dredge Volume: | 0 cubic yards |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |
| 15. Avoidance/ Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Use of a cofferdam or sandbags to redirect flows if necessary;• Any excess material will be properly disposed of by ht contractor as required by project specifications;• No equipment will be stored in the riverbed; and |

ATTACHMENT A

Project Information

File No. 02-178

- Standard specifications of the Los Angeles County Department of Public Works pertaining to project site maintenance and construction activities will be followed.

16. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation to offset impacts associated with this project. The Regional Board will not be requiring mitigation since impacts are only temporary and the project location is within a concrete lined channel and devoid of any vegetation.

ATTACHMENT B

Conditions of Certification File No. 02-178

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.